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FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)
)
Implementation of Section 9)
of the Communications Act)
)
Assessment and Collection of)
Regulatory Fees for the 1994)
Fiscal Year)

MD Docket No. 94-19

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**REPLY COMMENTS OF
RAM MOBILE DATA USA LIMITED PARTNERSHIP**

RAM Mobile Data USA Limited Partnership ("RMD") hereby submits the following reply comments with respect to the Notice of Proposed Rulemaking ("NPRM") in the above-captioned proceeding. The comments submitted in this proceeding demonstrate that the Commission should refine its application of regulatory fees for multiple licensed systems. The Commission should take this action to ensure that the licensees of such systems pay only those regulatory fees that are reasonably related to the benefits provided to them, as the statute requires.

RMD demonstrated in its initial Comments that, by tying regulatory fees to the number of sites individually licensed within a particular Designated Filing Area ("DFA"), and not simply to the total number of DFAs licensed, the proposed fee structure bears no relationship to the benefits enjoyed by wide-area SMR licensees or to the regulatory burdens imposed on the Commission's staff.

Other comments submitted identify similar concerns for certain other licensed services. Thus, the Utilities Telecommunications Council ("UTC") raises concerns posed by multiple license systems in the context of 220-222 MHz nationwide commercial systems. UTC notes that, for the purpose of assessing filing fees, separate call signs have been assigned to each frequency at each site in these systems.¹ As a result, UTC estimates that, under the NPRM, the regulatory fee for a 5-channel nationwide 220-222 MHz system would be \$56,000, and \$112,000 for a 10-channel nationwide system.² UTC points-out that the NPRM imposes less burdensome regulatory fees on comparable services.³ A somewhat analogous concern is identified by the Personal Communications Industry Association

¹ Comments of UTC at 8.

² *Id.* at n.16.

³ *Id.* at 9.

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("PCIA") for common carrier paging licensees. Because such licensees are unable to ascertain the number of their subscribers on a per call sign basis, PCIA requests that the NPRM be clarified to permit Part 22 licensees to aggregate subscribers across call signs and pay one annual regulatory fee per carrier system.⁴

Whether in the context of 220-222 MHz or 900 MHz SMR nationwide systems or Part 22 paging systems, RMD urges the Commission to examine its licensing practices and fees for multiple site/channel systems to ensure that there is a reasonable nexus between the requisite regulatory fees and the benefits enjoyed (and regulatory burdens imposed) by the licensees of such systems.

RMD also agrees with the comments of PCIA concerning the need for regulatory parity between similarly situated service providers.⁵ To this end, RMD urges the Commission to eliminate the disparate treatment under the NPRM between cellular and SMR licensees. Accordingly, the Commission should apply the per subscriber fee approach — without regard to the number of base stations employed or frequencies reused within a given licensed area — to both SMR and cellular providers alike.

Finally, MCI Telecommunications Corp. ("MCI") suggests that the NPRM be clarified to require resellers to pay regulatory fees.⁶ While RMD takes no position on the application of such fees to the resale of long distance telephone services, the Commission should not adopt such a requirement in a manner that would result in the imposition of duplicative fees on both the facilities-based services provider and the reseller of the same services.

Respectfully submitted,

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⁴ Comments of PCIA at 6-7.

⁵ *Id.* at 8-10.

⁶ Comments of MCI at 5.